

1801. *March 7.*

JOHNSTON and COMPANY, and Others, Creditors of Tweedie, *against* WILLIAM ATTWELL.

No. 5.

An obligation in security granted by several persons, for payment of the sums due to the creditors of a common debtor, may be executed upon a single stamp, whatever be the number of the creditors.

THE creditors of James Tweedie, who were six in number, having agreed to supersede diligence against him, on condition of his finding security to pay their debts by instalments, William Attwell and two other persons accordingly granted a bond, obliging themselves conjunctly and severally to pay the sums due to the respective creditors, amounting in all to £646 Sterling.

The bond was written upon a sheet of paper, with a stamp, costing £1. 9s.

William Attwell having presented a bill of suspension against payment of the bond, upon other grounds, a doubt was started, How far it was competent, by the stamp laws, to execute a bond in which six creditors were interested, upon a single stamp, corresponding to the aggregate sum in the bond; or whether a separate stamp was not necessary for the interest of each creditor?

The Lord Ordinary, proceeding on a report from the stamp-office, (which was not printed,) superseded advising the bill 'until the chargers shall have procured the bond charged on to be duly stamped, if they shall be advised so to do.'

A petition having been presented against this interlocutor, the Court were of opinion that the bond in question was duly stamped. There was here (it was observed) no junction of matters naturally disconnected with each other for the purpose of evading the stamp-duties, which is what the law (12th Anne, Sess. 2. C. 9. § 21. and 24.) had in view to prevent, but a cautionary obligation for the debts of one person, which fell naturally to be executed in one deed. It is like a bond for payment of a composition, which requires only one stamp, whatever be the number of creditors.

The Lords remitted to the Lord Ordinary, to refuse the bill.

Lord Ordinary, *Dunsinnan.*

For the Petitioner, *George Douglas.*

*D. D.*

*Fac. Coll. No. 227. p. 517.*

No. 6.

Codicil to a will not effectual, tho' subscribed by the testator, if not holograph or attested by witnesses.

1807. *May 13.*

DUNDAS *against* LOWIS.

IN 1804, Mrs. Margaret Houston executed a settlement, by which she disposed her whole property to certain persons as trustees. These trustees were directed to pay the interest of her fortune to her brother Captain Robert Rollo, during his life; to pay certain legacies, and in particular a legacy of £500 to Janet Houston Dundas, her grand-niece, and to pay over the re-